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Message Text

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14
ORIGIN EUR-12

INFO OCT-01 ISO-00 FEA-01 AID-05 CEQ-01 CIAE-00 ERDA-05

COME-00 DODE-00 EB-07 EPA-01 INR-07 IO-13 L-03 NSF-01

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DRAFTED BY EUR/CAN:KKJONIETZ:RM
APPROVED BY EUR/CAN:JHROUSE,JR.
---------- 120840
R 182316Z OCT 76
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: SENV, CA

SUBJECT: CANADIAN NOTE ON THE GARRISON DIVERSION UNIT

1. ON OCTOBER 14, MERKLINGER, OF THE CANADIAN EMBASSY, DELIVERED THE FOLLOWING NOTE TO EUR/CAN. MERKLINGER SAID THAT THE GOC DID NOT PLAN TO MAKE THE CONTENTS OF THE NOTE PUBLIC, BUT THAT QUESTIONS ON THE GARRISON WERE EXPECTED AS PARLIAMENT OPENED. NOTE HAS BEEN DISTRIBUTED TO INTERESTED WASHINGTON AGENCIES FOR TECHNICAL EVALUATION AND COMMENT BEFORE WE PREPARE A REPLY.

2. BEGIN TEXT: THE EMBASSY OF CANADA PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF STATE AND HAS THE HONOR TO REFER TO THE ONGOING CONSULTATIONS BETWEEN THE GOVERNMENTS OF CANADA AND THE US ON THE SUBJECT OF THE GARRISON DIVERSION UNIT UNDER CONSTRUCTION IN THE STATE OF NORTH DAKOTA. IN PARTICULAR, THE EMBASSY REFERS TO THE REFERENCE ON THIS
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SUBJECT MADE TO THE INTERNATIONAL JOINT COMMISSION BY

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LETTERS OF OCTOBER 22, 1975 FROM BOTH GOVERNMENTS, AND TO THE USG'S ASSURANCES OF FEBRUARY 5, 1974, REITERATED MOST RECENTLY IN THE JOINT COMMUNIQUE OF AUGUST 16, 1976, THAT "NO CONSTRUCTION ON THE GARRISON DIVERSION UNIT POTENTIALLY AFFECTING WATER FLOWING INTO CANADA WILL BE UNDERTAKEN UNTIL IT IS CLEAR THAT THIS OBLIGATION (UNDER ARTICLE IV OF

THE BOUNDARY WATERS TREATY OF 1909) WILL BE MET."

THE DEPARTMENT WILL RECALL THAT THE IJC INDICATED BY LETTER OF AUGUST 5, 1976 THAT ITS REPORT ON THE ABOVE-MENTIONED REFERENCE WOULD NOT, AS ANTICIPATED, BE COMPLETED BY OCTOBER 31, 1976 BUT WOULD RATHER BE DELAYED UNTIL JUNE 1977. IT WAS ORIGINALLY ANTICIPATED THAT THOSE INVOLVED IN THE US BUDGETARY PROCESS WOULD HAVE HAD THE GUIDANCE OF THE COMMISSION'S REPORT REGARDING THE POTENTIAL EFFECTS ON CANADIAN WATERS OF THE PROPOSED WORKS. WITH THE DELAY, HOWEVER, ANY DECISIONS ON FURTHER CONSTRUCTION AND FUNDING WOULD NOT BE BASED ON A FULL KNOWLEDGE OF THESE POTENTIAL EFFECTS.

THE CANADIAN GOVERNMENT IS PARTICULARLY CON-
CERNED THAT, WHILE CONSTRUCTION OF THE LONETREE RESERVOIR MAY NOT, IN ITSELF, AFFECT WATERS FLOWING INTO CANADA, FILLING OR OPERATION OF THE RESERVOIR COULD HAVE SUCH AN EFFECT, AS FLOWS FROM THE RESERVOIR WOULD ENTER THE SHEYENNE RIVER AND THUS THE RED RIVER EVEN IN THE ABSENCE OF COMPLETED IRRIGATION CANALS. THIS IN TURN WOULD MEAN THAT FOREIGN BIOTA WOULD PASS INTO THE RED RIVER-LAKE WINNIPEG BASIN, A MATTER OF CONSIDERABLE CONCERN, GIVEN OUR CONCLUSION THAT THE INTRODUCTION OF SUCH BIOTA HAS THE POTENTIAL FOR INJURY TO FISHERIES IN CANADA.

WHILE THE GOVERNMENT OF CANADA IS AWARE THAT THE OPERATION OF THE RESERVOIR IS NOT SCHEDULED TO BEGIN UNTIL 1978, IT IS ALSO AWARE THAT ADVANCED OR COMPLETED CONSTRUCTION OF SUCH PROJECTS NATURALLY FORMS A POWERFUL ARGUMENT FOR THEIR OPERATION. ACCOUNT SHOULD THEREFORE BE TAKEN OF THE SERIOUS PROBLEMS THAT COULD BE EXPECTED TO ARISE SHOULD THE COMMISSION REPORT, AFTER FURTHER EXPENDITURE AND CON-
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STRUCTION HAD TAKEN PLACE ON THE RESERVOIR, THAT THE RESERVOIR'S FILLING AND OPERATION WOULD INDEED INJURE HEALTH AND PROPERTY IN CANADA.

AS THE DEPARTMENT WILL RECALL, THE EMBASSY IN NOVEMBER 1975 TRANSMITTED FOR THE INFORMATION OF THE US CONGRESS A "CANADIAN POSITION ON THE GARRISON DIVERSION UNIT" WHICH STATED, INTER ALIA, THAT "A REPORT FROM THE COMMISSION

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SHOULD BE RECEIVED AND STUDIED. . . BEFORE ANY FIRM COMMIT-
MENTS ARE MADE IN THE US FOR CONSTRUCTION POTENTIALLY
AFFECTING WATERS FLOWING INTO CANADA, SINCE SUCH CON-
STRUCTION COULD BE SUBSTANTIALLY AFFECTED BY THE OUTCOME
OF THE REFERENCE". IN VIEW OF THE DELAY IN THE COMMISSION'S
REPORTING SCHEDULE AND THE POTENTIAL IMPACT ON CANADA OF
THE FILLING AND OPERATION OF THE LONETREE RESERVOIR, THE
CANADIAN GOVERNMENT WISHES TO MAKE CLEAR THAT THIS POSITION
APPLIES TO FURTHER CONSTRUCTION OF THE RESERVOIR. WITH
THE UNDERSTANDING THAT THE COMMISSION WILL REPORT ON ITS
FINDINGS IN THE NEAR FUTURE, THE EMBASSY HAS THEREFORE
BEEN INSTRUCTED TO REQUEST, AS A LOGICAL EXTENSION OF THE
USG'S ASSURANCES OF FEBRUARY 1974, THAT FURTHER CON-
STRUCTION AND DECISIONS ON CONSTRUCTION OF THE LONETREE
RESERVOIR BE DEFERRED UNTIL AFTER THE COMMISSION'S REPORT
HAS BEEN RECEIVED AND SUBSEQUENT CONSULTATIONS BETWEEN THE
TWO GOVERNMENTS HAVE TAKEN PLACE.

THE EMBASSY OF CANADA AVAILS ITSELF OF THIS OPPORTUNITY TO
RENEW TO THE DEPARTMENT OF STATE THE ASSURANCES OF ITS
HIGHEST CONSIDERATION. END TEXT. KISSINGER

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